

# REPORT

## ON

### NATIVE PAPERS

FOR THE

Week ending the 20th July 1895.

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## LIST OF NEWSPAPERS.

No.	Names of Newspapers.	Place of publication.	Reported number of subscribers.	Dates of papers received and examined for the week.	REMARKS.
<b>BENGALI.</b>		<b>CALCUTTA.</b>			
	<i>Tri-monthly.</i>				
1	"Abodh Bodhini" ...	Calcutta	About 677		
	<i>Weekly.</i>				
1	"Banganivasi" ...	Ditto	" 5,000	12th July 1895.	
2	"Bangavasi" ...	Ditto	" 20,000	13th ditto.	
3	"Hitaishi" ...	Ditto	" .....	16th ditto.	
4	"Hitavadi" ...	Ditto	" 4,000	5th and 12th July 1895.	
5	"Mihir" ...	Ditto	" .....		
6	"Sahachar" ...	Ditto	About 500	10th July 1895.	
7	"Samay" ...	Ditto	" 4,000	12th ditto.	
8	"Sanjivani" ...	Ditto	" 3,000	13th ditto.	
9	"Som Prakash" ...	Ditto	" 800	15th ditto.	
10	"Sudhakar" ...	Ditto	" 3,000		
	<i>Daily.</i>				
1	"Banga Vidya Prakashika" ...	Ditto	" 200	13th, 15th and 16th July 1895.	
2	"Dainik-o-Samachar Chandrika" ...	Ditto	" 200	14th to 18th July 1895.	
	"Samvad Prabhakar" ...	Ditto	" 500	12th, 15th and 17th ditto.	
4	"Samvad Purnachandrodaya" ...	Ditto	" 200		
5	"Sulabh Dainik" ...	Ditto	" 1,000	12th, 13th and 15th to 17th July 1895.	
<b>HINDI.</b>					
	<i>Weekly.</i>				
1	"Bharat Mitra" ...	Ditto	" 800	11th July 1895.	
2	"Hindi Bangavasi" ...	Ditto	" 9,000	16th ditto.	
3	"Uchit Vakta" ...	Ditto	" .....		
	<i>Daily.</i>				
1	"Bharat Mitra" ...	Ditto	" .....	12th to 14th and 16th and 17th July 1895.	
<b>URDU.</b>					
	<i>Weekly.</i>				
1	"Darussaltanat and Urdu Guide" ...	Ditto	About 400	11th July 1895.	
2	"General and Gauharisafi" ...	Ditto	" 300	5th ditto.	
<b>BENGALI.</b>		<b>BURDWAN DIVISION.</b>			
	<i>Fortnightly.</i>				
1	"Bankura Darpan" ...	Bankura	" 500	16th July 1895.	
2	"Ulubaria Darpan" ...	Ulubaria	" 298		
	<i>Weekly.</i>				
1	"Burdwan Sanjivani" ...	Burdwan	350 to 400	9th July 1895.	
2	"Chinsura Vartavaha" ...	Chinsura	500		
3	"Darsak" ...	Ditto	" .....	14th ditto.	
4	"Education Gazette" ...	Hooghly	754	12th ditto.	
<b>BENGALI.</b>		<b>PRESIDENCY DIVISION.</b>			
	<i>Monthly.</i>				
1	"Ghosak" ...	Khulna	350		
	<i>Weekly.</i>				
1	"Murshidabad Hitaishi" ...	Murshidabad	280	10th July 1895.	
2	"Murshidabad Pratinidhi" ...	Berhampore	200		
3	"Pratikar" ...	Ditto	603	12th ditto.	

No.	Names of Newspapers.	Place of publication.	Reported number of subscribers.	Dates of papers received and examined for the week.	REMARKS.	
<b>URIYA.</b>						
<i>Monthly.</i>		<b>ORISSA DIVISION.</b>				
1	"Brahma " ...	Cuttack ...	.....	April.	Only six copies have been issued since the paper was re- vived in January 1894. Some 200 copies of each issue are said to have been circulated, but no subscribers have been registered. This paper is said to have some circula- tion in the Division, but the number of subscribers could not be ascertained.	
2	"Indradham " ...	Ditto ...	.....			
3	"Shikshabandhu " ...	Ditto ...	.....			
4	"Utkalprabha " ...	Mayurbhunj ...	3	Aswin,		
<i>Weekly.</i>						
1	"Samvad Vahika " ...	Balasore ...	190	7th and 14th June 1895.		
2	"Uriya and Navasamvad " ...	Ditto ...	309	5th and 12th ditto.		
3	"Utkal Dipika " ...	Cuttack ...	412	8th and 15th ditto.		
4	"Sambalpur Patriot " ...	Bamra in the Central Provinces.	.....			
<b>HINDI.</b>						
<i>Monthly.</i>		<b>PATNA DIVISION.</b>				
1	"Bihar Bandhu " ...	Bankipur ...	500			
<i>Weekly.</i>						
1	"Aryavarta " ...	Dinapur ...	1,000			
<b>URDU.</b>						
<i>Weekly.</i>						
1	"Akhbar-i-Al Punch " ...	Bankipur ...	500	8th July 1895.		
2	"Gaya Punch " ...	Gaya ...	400			
3	"Mehre Monawar " ...	Muzaffarpur ...	150			
<b>BENGALI.</b>						
<i>Weekly.</i>		<b>RAJSHAHI DIVISION.</b>				
1	"Bagura Darpan " ...	Bogra ...	.....	5th July 1895. 10th ditto.		
2	"Hindu Ranjika " ...	Boalia, Rajshahi ...	283			
3	"Rangpur Dikprakash " ...	Kakina, Rangpur ...	300			
<b>HINDI.</b>						
<i>Monthly.</i>						
1	"Darjeeling Mission ke Masik Samachar Patrika."	Darjeeling ...	150		It is said that 550 copies of the paper are printed each month. Out of this number 150 copies are distributed among the subscri- bers, and the rest sold to the public at three pies per copy.	
<b>BENGALI.</b>						
<i>Fortnightly.</i>		<b>DACCA DIVISION.</b>				
1	"Kasipur Nivasi " ...	Kasipur, Barisal ...	280	30th March 1895.		
<i>Weekly.</i>						
1	"Charu Mihir " ...	Mymensingh ...	900	13th July 1895. 11th ditto.		
2	"Dacca Prakash " ...	Dacca ...	450			
3	"Saraswat Patra " ...	Ditto ...	250			
4	"Vikrampur " ...	Lauhajangha, Dacca ...	500			
<b>ENGLISH AND BENGALI.</b>						
<i>Weekly.</i>						
1	"Dacca Gazette " ...	Dacca ...	500	15th July 1895.		
<b>BENGALI.</b>						
<i>Fortnightly.</i>		<b>CHITTAGONG DIVISION.</b>				
1	"Tripura Prakash " ...	Comilla ...	.....			
<i>Weekly.</i>						
1	"Sansodhini " ...	Chittagong ...	120			
<b>BENGALI.</b>						
<i>Fortnightly.</i>		<b>ASSAM.</b>				
1	"Paridarshak " ...	Sylhet ...	240			
2	"Srihattavasi " ...	Ditto ...	160*			
* Entry based on information supplied by the Deputy Post master-General, Assam.						

\* Entry based on information supplied by the Deputy Post master-General, Assam.



## II.—HOME ADMINISTRATION.

## (a)—Police.

The *Bagura Darpan* of the 5th July complains of the prevalence of crime in the Bagura (Bogra) district. Not a week passes but there occur two or more cases of daring theft, murder, dacoity and high way robbery in some part or other of the district. On the 5th July last a band of about twelve dacoits forcibly entered into the house of one Nabann Nasya of Dhamahar, a village in the Sibgunj thana, maltreated the inmates of the house, and carried away valuables worth a considerable sum of money. The culprits in this case have not yet been arrested. Only a few days after this occurrence one Haramohan Saha, a shop-keeper of Itakhola in the Khetlal thana, was waylaid by a number of men as he was returning from his shop. One of them struck him on the head with a *lathi*, and after overpowering his companions, they decamped with goods worth about Rs. 194. In the village of Ausagari in the Adumdighi thana, there was a dacoity in the house of a Khulu, but the particulars of this case are not known.

Theft is very frequent in the Sherpur town. A couple of months ago a daring theft was committed in the house of one Braja Kishore Maitra. The police arrested a man and a woman as implicated in the crime, and lodged them in jail. In June last there was a theft in the shop of one Hari Charan Datta, and a couple of weeks after in the shop of one Lutia Poddar. On the 30th of the same month there was a daring theft committed in the house of Sarada Charan Majumdar, a respectable inhabitant of Sherpur. The thieves made a hole in a wall facing the public road, and carried away valuables worth about Rs. 300. In all these cases the police inspection has been very lax, and the thieves have not yet been traced.

2. A correspondent writes in the *Murshidabad Hitaishi* of the 10th July contradicting certain particulars as published in a previous issue of that paper (Report on Native Papers for 13th July, paragraph 5) concerning the death of one Gangaram, an inhabitant of Khagra in the Murshidabad district. The writer says that it is not true that the body of Gangaram was found lying on a public road. It was found lying badly mangled in an open drain in the vicinity of the house of Sadananda Nag. The inhabitants of the place all suspected foul play; but as the body was cremated, the present Sub-Inspector did not venture to institute a fresh inquiry before Gangaram's father made an application to the District Magistrate praying for the institution of a fresh inquiry, and mentioning the names of Sadananda and his daughters as the persons most likely connected with the case. On the receipt of this application, the Magistrate ordered a fresh inquiry, and the police ought not to be blamed for having obeyed the Magistrate's order. It is not unknown to the public that Sadananda tried his best to keep his daughters away from the police in order to prevent its taking their evidence. The police ought not therefore to be blamed if it searched the house of one of Sadananda's neighbours, where it was suspected he had concealed his daughters. As for the taking down of the deposition of Sadananda's widowed daughter, the police Sub-Inspector treated her with the utmost respect, and did not allow the least violence to be done to her.

3. A correspondent of the *Darussaltanat and Urdu Guide* of the 11th July blames the Magistrate of Darbhanga for not allowing the Musalmans to take out their *tazias* on the Muharram days with the usual ceremonies. It appears that the Magistrate was induced to do so by some wealthy Hindus who take a delight in setting Hindus against Musalmans.

4. A correspondent writes in the *Samay* of the 12th July that one Nacher Sardar, a *gantidar* of the village Ashasuni in the Satkhira sub-division of the Khulna district, was on the 18th June last shot when he was sleeping in his *kachari*. The Police Inspector, Babu Nanda Lal Basu, made an inquiry into the case and arrested three men whom he suspected as implicated in the matter. Acting upon their

BAGURA DARPAN,  
July 5th, 1895.

MURSHIDABAD  
HITAISHI,  
July 10th, 1895.

DARUSSALTANAT  
AND URDU GUIDE,  
July 11th, 1895.

SAMAY,  
July 12th, 1895.

evidence, the Sub-Inspector of the Ashasuni police-station arrested one Umacharan Sardar, who, it is suspected, fired the shot. Umacharan, however, has managed to escape and is still at large. The way in which the local police is carrying on the investigation is not calculated to lead to the detection and arrest of the culprits. In the course of the last three or four years as many as fifteen or sixteen murders have been committed in the Satkhira sub-division, but not a single murder has been traced. This has produced a consternation in the public mind, and the sooner this consternation is allayed the better. An able detective should be appointed to make a searching inquiry into the case.

SANJIVANI,  
July 13th, 1895.

5. The *Sanjivani* of the 13th July draws the attention of the police authorities to the prevalence of crime in the villages of Barasat, Belédanga and Sarishadah under the jurisdiction of the Jaynagar thana in the 24-Parganas district. During the last month a large number of cases of house-breaking and theft occurred in these villages, but in no case were the culprits detected by the police. The thieves, *budmashes* and ruffians belonging to these and the adjoining villages are evidently having a high time of it. No man's property is secure, and the *budmashes* have proved themselves a source of mischief and annoyance to the respectable portion of the village population. The villagers some time ago petitioned the Government for protection, but without success. They will again move the Government, and it is expected that this time their prayer will be heard.

(b)—Working of the Courts.

HITAVADI,  
July 5th, 1895.

6. The *Hitavadi* of the 5th July writes as follows:—

The Road Cess administration.

The Road Cess Act is not at all a complicated one, but the manner in which the law is administered is highly anomalous and most oppressive to the people who have to pay the cess. The fact is, the Road Cess Department is extremely mismanaged, and there seems to be no one responsible for its administration. The Collector has always a heavy file of work in hand, and has no time to devote to the management of this department, while the Deputy Collector does not like to do the distasteful drudgery of wading through voluminous files of papers written in unintelligible vernacular. So he has to depend entirely upon the *amla* in issuing certificates under the provisions of the Public Demands Recovery Act. The *amla* on their part do not take sufficient care to keep the registers in proper order, or to acquaint themselves with the details of office work. Great, therefore, are the anomalies in the Road Cess administration. Certificates are issued against persons who have paid the cess, or from whose hands the property on which the cess is levied has been transferred. So the practice of issuing certificates for the recovery of the road cess has proved to be a source of great annoyance, loss and harassment to the people, and especially to petty *lakhirajdars* and *mukarrari-dars*. All these anomalies are, however, due to one single cause. In every road cess office is kept a register of the defaulters against whom certificates are issued. The *amla*, however, do not take the trouble to keep the register correct up to date by removing from the list of defaulters the names of persons who have already paid their cess. So it happens that year after year certificates are issued against persons who have not actually defaulted in paying the cess. The register of the cess-payers too is not corrected. Property changes hands, but the register in the road cess office being not corrected, certificates continue to be issued against the original owners. It has also come to our knowledge that cess-payers who live at a distance are not duly served with the preliminary notice about the issue of certificates. The peons destroy the notices and make false affidavits to the effect that they have been duly delivered. Act I of 1895 amending the Public Demands Recovery Act does not fully remove this difficulty. The new Act provides for the delivery of notices by post. But this method of delivering notices is not also safe, as it is notorious that the village post peons are in the habit of destroying post-cards containing such notices. The anomalies in the Road Cess Department can be removed only if the following methods are adopted:—

- (1) Notices of certificates should be delivered in registered covers, and the receipts of the addressees should be filed.

- (2) When property is transferred from one hand to another, a notice of the transaction should be given to the Collector, but such notice should not be required to be stamped.
- (3) The registers kept in the road cess office should be corrected and kept in proper order.

7. The same paper writes as follows:—

Acquittal of Howard.

Of the nine jurors who sat at the trial of Howard, seven were European and two Bengali. The seven European jurors unanimously declared the prisoner "not guilty." One of the Bengali jurors gave him the benefit of a doubt and there was only one juror who declared him "guilty." We did not expect a better result when we saw Mr. Clarke appointed the foreman of the jury. He is the same Mr. Clarke who moved heaven and earth to get Babus Kalinath Mitter, Raj Kumar Sarvadhikary and Rashbehary Ghosh elected to the Bengal Legislative Council. It was not natural for him to declare a European "guilty" and thereby become the instrument of his conviction and punishment.

Such being the verdict of the jury, Mr. Justice Norris did not like to act according to his conviction. The O'Hara case has made him wise. He accepted the verdict of the jury and acquitted the prisoner.

It is said that even European barristers of eminence characterise the trial of Howard as a travesty of justice. The verdict of the jury in this case has not certainly increased our confidence in the Englishman's truthfulness and sense of justice. No one will like to see a man sentenced to death for killing a cat or a dog or a crawling worm. The Europeans in this country, perhaps, look upon the natives as no better than cats and dogs, and nothing, therefore, is in their eye more unnatural than that a white man should be punished for killing a black native. A European killing a native cannot be held guilty of any offence—not even of simple hurt. The accused voluntarily confessed his own guilt, and yet he was acquitted. What an example of uprightness, justice and impartiality! The European jurors have surely given us another proof of the vaunted equality of Natives and Europeans in the eye of the English law!

What will the rulers have to say if, goaded into desperation by such travesty of justice, the people are forced to take the law into their own hands? If the law cannot protect them, where else will they seek protection? To whatever cause you may attribute it, the acquittal of white men murdering natives has become a matter of course. George Nairns was the only European who was hanged for murder. But then, he was a sailor and he murdered a policeman. The European soldier is above everybody else, as is proved by the acquittals of O'Hara and Howard.

8. The *Burdwan Sanjivani* of the 9th July writes as follows:—

Deputy Magistrates as judicial officers.

In our last issue we referred to a quarrel which took place between Babu Jnanendra Nath Pal, Deputy Magistrate of Barisal, and Babu Kailas Chandra Sen, a member of the Barisal Bar, and in the course of which Babu Jnanendra Nath said that he was not a judicial officer (Report on Native Papers for 13th July, paragraph 13). It is certainly very strange that an officer who judicially determines the guilt or innocence of accused persons, and convicts and passes sentences on those whom he finds guilty, should refuse to recognise himself as a judicial officer. But the number of Deputy Magistrates who, though engaged in dispensing and administering justice, refuse to look upon themselves as judicial officers is not small now-a-days. These Deputy Magistrates think that they are merely executive officers, and, as such, responsible not so much for an upright and impartial administration of justice as for the conviction and rigorous punishment of wicked men, whereby the country can be kept in awe of the ruling power. And the consequence is that failures of justice are taking place at every step, as can be proved by a reference to the records of the appellate courts. Few are the cases decided by Deputy Magistrates in which the decisions are upheld on appeal by the High Court and the Sessions Courts. We personally know that many Deputy Magistrates do not inflict appealable punishments simply for fear of their sentences being appealed against. If there had been no High Court and Sessions Courts, the Deputy Magistrates would have acted in a still more high-handed manner, and filled the jails to overflowing.

HITAVADI,  
July 5th, 1895.

BURDWAN SANJIVANI  
July 9th, 1895.

But who is responsible for this state of things? Many people, we know, throw the whole blame on the Deputy Magistrates themselves. But we prefer to attribute it to the system on which the administration of the country is carried on. Of late it has really become a matter of doubt whether Government itself wants justice to be done to accused persons. Was it not Sir Charles Elliott himself who said in connection with the Purulia riots that "somebody should have been punished for the day's disturbances"? When the Lieutenant-Governor himself can express such a view, how can his subordinate officers think and act otherwise? Besides, the Deputy Magistrates can now-a-days look to no advancement in the service unless they are rigorous and send the largest number of accused persons to jail, and are reprimanded by Government if they show any signs of independence. The reprimands of the High Court have little effect upon them, because they know that their prospects do not depend upon its good or bad opinion. They therefore disobey its orders and instructions and do their best to please the Government. It is for these reasons that the people are asking for a separation of the judicial and executive functions of the Deputy Magistrates. But Government is deaf to this prayer.

SAHACHAR,  
July 10th, 1895.

9. The *Sahachar* of the 10th July has been surprised at the answer given by Mr. Cotton to Babu Surendra Nath Banerji's question on the subject of the Faridpur alleged dacoity case. In the explanation which Mr. Herald, the District Magistrate, submitted to Government, he said that he directed the Government Pleader to withdraw the case, because on a conference with the District Judge he had come to the conclusion that the accused persons could not be convicted. But what sort of a procedure was this, considering that two competent Deputy Magistrates had, after proper investigation, committed the accused to the sessions? There would have been little to say against the withdrawal if it had been made by the Government Pleader of his own motion. But have the Magistrate and the Judge the power to decide a case in a private conference among themselves? It is hoped the High Court and the Advocate-General will decide this question.

SAHACHAR.

10. The same paper cannot accept Mr. Fordyce's dismissal from the service as a sufficient punishment of the offence which, according to the Commission, has been clearly proved against him. It is probable that his corruption as a public officer has enabled him to amass a fortune, and dismissal will therefore be of little consequence to him. It is difficult to see why he was not criminally prosecuted. Such a prosecution would certainly have led to conviction and imprisonment, which would have been his fittest punishment. It is certainly a matter of regret that Mr. Fordyce should be allowed to escape scot-free. Government can yet prosecute him, and it ought to do so, or the people will lose all confidence in it.

SULABH DAINIK,  
July 12th, 1895.

11. The *Sulabh Dainik* of the 12th July has the following remarks on the manner in which the alleged case of dacoity in the Faridpur district was disposed of:—

Did the Magistrate enquire why the police, though it found the complainant's clothes in the possession of the accused, and was therefore convinced of the truth of the charge brought against them, submitted a return in Form B?

The Magistrate could not believe the report that the stolen clothes were found concealed beneath some onions in an earthen pot in the hut belonging to one of the accused. But we see nothing incredible in this. The accused, who are low class men, have no big houses to live in like the Magistrate, nor are they educated Hakims. It was quite natural for them to suppose that, if an investigation were made, the most secure place to hide their stolen property in would be not a box, which would be sure to be searched, but some receptacle like the earthen pot in which the clothes were actually kept, which would probably be taken no notice of. We also fail to see why the Magistrate could not believe the complainant's statement that he remained standing in the river the whole of the night on which the dacoity was committed. The complainant having been robbed of his clothes, was completely naked, and he also feared lest on coming out of the water he should again meet the dacoits. The Magistrate said that he ordered the case to be withdrawn, after a conference with the Sessions Judge. But such a conference was certainly not justified. The case was pending in the Sessions Court, and he had no business to be so officious as to give his advice to the Sessions Judge in

regard to it. Nor should he have been so anxious to order its withdrawal by the Government Pleader. A Deputy Magistrate of the 1st class and a Deputy Magistrate of the 2nd class both made enquiries and reported that the case was not a false one; but the Magistrate who took no part in the enquiry considered it a got-up case, and committed the complainant under section 211. He disbelieved the report submitted by the 2nd class Deputy Magistrate because, as he said, the Deputy Magistrate had not been able to draw a right inference from the facts which came to his notice in the course of the investigation. What the Deputy Magistrate said in his report was that though it was not a real case of dacoity, it was true that the *budmashes* had forced their way into the complainant's boat, committed oppression, and stolen his property, and would have offered him bodily violence if they had found him. One fails to understand on what ground the Magistrate could not take as reliable a plain report like this.

According to Mr. Herald, the hearing of a case like this is mere waste of time. Is it not then waste of time to hear every case in which the accused is acquitted? And does Mr. Herald commit the complainant in every such case under section 211? Mr. Herald had already gained a notoriety, and he is now, thanks to Sir Charles Elliott, committing fresh vagaries in Faridpur. It is strange that Government has taken no notice of the way in which this case has been disposed of. It should at least have asked for an explanation from Mr. Herald on the following points:—

- (1) Why he ordered the Government Pleader to withdraw the case;
- (2) Why he held a consultation with the Sessions Judge;
- (3) On what grounds he found fault with the 2nd class Deputy Magistrate's report;
- (4) Why the accused were let off without a trial after they had been detained in *hajat* for some days.

We fail to account for the indifference of Government in this case, except by supposing that in this British Indian Empire every officer, from the civilian down to the village chaukidar, is a king, who is not responsible for his actions to anybody. But a continuance of this state of things will produce widespread discontent among the people, and it behoves Government not to overlook the insolence and high-handedness of the civilians any more.

12. The *Hitavadi* of the 12th July cannot consider dismissal from the public service sufficient punishment for Mr. Fordyce if he was actually guilty of taking illegal gratification. It is not to be believed that Sir Charles Elliott will content himself with merely stealthily removing from service a corrupt Deputy, because he is a European or a Eurasian. When a man holding a very ordinary office is sent to jail for taking bribes, a Deputy Magistrate guilty of the same offence should certainly be punished with imprisonment.

HITAVADI,  
July 12th, 1895.

13. The same paper cannot explain the anomaly in section 584 of the Civil Procedure Code which allows second appeals to the High Court only on points of law or usage having the force of law and of defects in procedure, but not on points of fact. The court-fees which have to be paid on the original suit, on the first appeal and on the second appeal are of equal value, and are calculated at the same rate on the value of the subject-matter of the suit. But while the court of first instance and the first appellate court consider a case in all its aspects, the High Court, though levying the same fee, considers it only in one aspect. This anomaly can be explained only on the supposition that the High Court Judges being more highly paid than the subordinate judiciary, justice cannot be dispensed at the High Court at the same price as in the lower courts. If this is the reason why the legislators have not allowed litigants the opportunity of having their suits considered on second appeal, in relation to fact, then all that the people of this country can say is that they are prepared to pay a higher fee for second appeals than they pay in the lower courts, if only to see whether they can get perfect justice in the British law courts.

HITAVADI.

If Subordinate Judges and District Judges can hear appeals on facts, why should not the High Court be conceded that power? There would have been justification for the existing provision of the law if the decision of the court of

first instance was held final so far as facts were concerned. But when one appeal on facts is allowed, it is giving the lower courts an undue pre-eminence over the High Court to refuse an appeal on facts to the latter.

All suits involve both questions of law and questions of fact, and of these two sets of questions, the questions relating to facts are properly considered far more important than questions of law. In fact, a very large number of cases can be made to turn entirely on facts, and in deciding these no questions of law need be raised. In these cases only one appeal is allowed, while in the other class of cases turning on points of law a second appeal to the High Court, and even an appeal to the Privy Council, may be preferred. This is not certainly just, and it often leads to serious miscarriage of justice, not to speak of the hardship which the existing provision of the law often entails on mufassal people, who, after having incurred considerable expense for the purpose of instituting second appeals in the High Court, hear from their counsel that no second appeals will be allowed to them.

PRATIKAR,  
July 12th, 1895.

14. The *Pratihar* of the 12th July finds no improvement in the new form of *challan* for the public works and other cesses.

The new cess *challan*.

The old defects have not been remedied, while the form has been made much more complicated, thus adding to the difficulties of the public officers. The new form will not even prevent the sale of one man's property for another man's liabilities.

SANJIVANI,  
July 13th, 1895.

15. The *Sanjivani* of the 13th July has the following:—

Dismissal of Mr. Fordyce.

Mr. Fordyce, Deputy Magistrate of Dacca, has been dismissed from the public service on account of his being guilty of taking bribes. That Mr. Fordyce was long in the habit of extorting bribes from the suitors in his court was well-known to the people of Dacca and Comilla, but the Government chose to be blissfully ignorant of the whole affair. Mr. Fordyce used to extort bribes from both parties to a suit, and his servant, Rajab Ali, used to negotiate with the suitors in open court. Mr. Fordyce left no means untried in extorting bribes. In many cases he punished the accused simply because they declined to give him bribes, and in many other cases he postponed trials in the expectation of extorting bribes. He confined innocent men in jail in order to frighten them into paying bribes, and with the same object in view he also threatened accused persons with whipping even when the law did not allow him to inflict this form of punishment. All these illegal proceedings of the Deputy Magistrate are in the records of the court, but they so long escaped the vigilance of his superior officers.

It is said that the present Lieutenant-Governor is very particular about the inspection of the courts and court records of the Subordinate Magistrates by their superior officers; but notwithstanding the rigorous rules about inspection, Mr. Fordyce was able to carry on his nefarious practices with impunity. The commission of inquiry minutely examined the records of seventeen, and cursorily went through the records of the remaining cases, as kept by Mr. Fordyce, and detected in them many grave irregularities, from which they came to the conclusion that he used to take bribes. From this it is quite clear that the Commissioners and District Magistrates, whose duty it is to inspect the records of the lower courts, do not consider it necessary to exercise any supervision over their European subordinates. Otherwise, the malpractices of Mr. Fordyce would have long ago been discovered. The Lieutenant-Governor boasts of his omniscience; but though he had several times been to Dacca, and had inspected the courts of the Magistrate and Deputy Magistrates there, he, too, failed to detect anything wrong about Mr. Fordyce's proceedings. Are not tours of inspection a farce after this?

But the Lieutenant-Governor not only failed to detect Mr. Fordyce's malpractices himself, but obstinately kept his eyes shut when those malpractices were pointed out by the Dacca newspapers. Nay, he did worse. As if to spite the native papers, he rewarded Mr. Fordyce with the powers of a first class Magistrate. Mr. Fordyce was thus in a manner encouraged in his nefarious practices.

The pleaders of Dacca have shown great courage and independence in this affair. But for their exertions, Mr. Fordyce would have still remained in the public service, a disgrace to the administration of justice, and a terror

to the suitors in his court. On the pleaders submitting an affidavit to the Magistrate complaining of the conduct of Mr. Fordyce, that officer held an inquiry and found the Deputy Magistrate guilty of the charge preferred against him. To further satisfy itself, the Government appointed a commission of inquiry, and they, too, came to the same conclusion.

Acting upon the report of the Commission, the Lieutenant-Governor has issued a resolution dismissing Mr. Fordyce. Magistrates like Mr. Fordyce, observes His Honour, are "a canker in the Executive Branch of the Provincial Service." No lighter punishment than dismissal from the public service could properly be meted out to him. The Lieutenant-Governor has praised the Commissioner who investigated the conduct of Mr. Fordyce, but he has not a word of praise for the Dacca pleaders who were chiefly instrumental in bringing his malpractices to light. There are many festering evils in the public service, which would have seen the light of day but for the unwillingness of the Government to pay heed to anything which is said against its officers. If the heads of Government had been at all active in putting down the malpractices of the Executive and Judicial Officers under them, the practice of taking bribes, which prevails in the Police and the Executive branches of the public service, would have by this time ceased to exist.

16. The *Sulabh Dainik* of the 15th July writes as follows:—

SULABH DAINIK  
July 15th, 1895.

Mr. Fordyce's punishment. In the opinion of some, dismissal from service is not an adequate punishment for Mr. Fordyce, and he should be also criminally prosecuted. This opinion does not commend itself to us for various reasons. In the first place, we think that dismissal from service is an adequate punishment for Mr. Fordyce. As a Deputy Magistrate, he occupied an influential position in the country, and used to be looked upon with awe and respect by the people. He is now dragged down from that eminent position, branded with the ignominy which attaches to a bribe-taker, and made to hide his diminished head in shame. For a man of Mr. Fordyce's position this is a punishment worse than death; and a few years' imprisonment with hard labour would in no way increase its severity.

In the next place, we think that it is not right to punish a man twice for the commission of a single offence. Mr. Fordyce is punished with dismissal from service. He should not be punished again with imprisonment. Mr. Fordyce used to take bribes. Such corruption on the part of a Magistrate could not be tolerated. He has been removed from the Bench, and the public service has been purged of corruption. The object of punishment is not to be revenged upon the delinquent, but to warn others against the commission of the offence which is punished. The punishment which has been meted out to Mr. Fordyce will serve as a forceful lesson to Magistrates of his type.

In the last place, we are not quite sure that Mr. Fordyce, if criminally prosecuted, will be convicted by a court of justice of the offence with which he is charged. The evidence which was sufficient for a commission of inquiry to declare him guilty may not be considered by a court of justice sufficient to justify his conviction. A commission can act upon 'moral certainty,' but a court of justice cannot. In such a case, the jury is sure to give the accused the benefit of a doubt. Instances are by no means rare in which public officers charged with embezzlement have been acquitted by the jury.

Nor do we think that dismissal from service will not press hard upon Mr. Fordyce. It is absurd to think that he was making a fortune by taking bribes. When a Magistrate stoops so low as to accept bribes of ten or twenty rupees, his necessity must be very great. We have very little doubt that it was the impecunious condition of Mr. Fordyce that brought him down so low.

17. The *Sulabh Dainik* of the 17th July has the following:—

SULABH DAINIK,  
July 17th, 1895.

Mrs. Lester's case. Mrs. Lester killed her husband—a husband who gave her everything he had, even the money for which his life was insured. The sentence which has been passed on her is ten years' rigorous imprisonment. But though she will be detained in jail, she will not have to bear any of its hardships. Yet it is said that an appeal will be made in her favour to a Full Bench of the High Court. A very proper step this, indeed. And the moral sense of the men who are trying to get her discharge must be very high. The proposal to get her out of jail is simply abominable.

## (c)—Jails.

SAHACHAR,  
July 10th, 1895.

18. The *Sahachar* of the 10th July fails to account for the heavy death-rate among the jail population in Bengal—much heavier than the death-rate among the population outside jails—considering that prisoners in jails get better lodgings, purer drinking-water and more systematic medical treatment than when they are free. Medical authorities are unanimous in the opinion that bad lodging and want of good drinking-water are the sole causes of the malarious fever from which the people of Bengal are suffering. It is therefore clear why malarious fever does not prevail in the jails. The diseases that are reported to be most rife in the Bengal jails are diarrhoea and dysentery, and, according to medical opinion, these diseases are owing to bad or insufficient food and to insufficient clothing. The conclusion is, therefore, very fair, that though the jail population are more fortunate than their fellow-countrymen outside jails in respect of lodgings, drinking-water and medical treatment, they are badly and insufficiently fed, and are not sufficiently well clothed. Government spares no pains to make a provision for the supply of good and sufficient food for prisoners, but unfortunately, through the negligence of the subordinate officers, prisoners in very few jails are well and sufficiently fed. The requirements of his calling often make the writer pay visits to prisoners in jails, and he has often seen with his own eyes that they hardly get enough to fully appease their hunger. It is also certain that prisoners are subjected to ill-treatment. The Lieutenant-Governor probably remembers that when His Honour visited the Midnapore Jail, he learnt that prisoners were in the habit of eating croton leaves in order that they might get diarrhoea and be admitted into hospital, where they would get better food and treatment. Many low class prisoners have been known to work as *meheters*, simply because by so doing they can get the remains of other prisoners' meals to eat.

## (d)—Education.

HITAVADI,  
July 5th, 1895.

19. The *Hitavadi* of the 5th July says that Babu Nilmani Mukharji has falsified the best expectations of the public, and is resolved to have his *Manimanjari* studied in the Sanskrit College in the place of the *Mugdhabodh*. Babu Nilmani remarked to a friend of the writer that *Mugdhabodh* and *Panini* were too complicated and difficult for boys of tender years and other existing works on the subject were more or less defective. Whether *Manimanjari* is free from all such defects or not is not the question to discuss here. But the public questions the soundness of Babu Nilmani's mind when he replaces such renowned works on sanskrit grammar as *Panini*, *Mugdhabodh*, *Kalap*, &c., by his *Manimanjari*. No one would like to send his son to the Sanskrit College to get his head stuffed with the knowledge of sanskrit grammar which is to be derived from Nilmani's *Manimanjari*.

SANJIVANI,  
July 13th, 1895.

20. The *Sanjivani* of the 13th July is surprised to see Mr. Shaw, Head Master, Mechanical Department, Sibpur Engineering College, appointed Officiating Principal of the Hooghly College during Mr. Booth's absence on leave. Beyond his temporary service as a professor, in the Presidency College, Mr. Shaw has no experience of college work, and his experience of the work in the Mechanical Department of an Engineering College is not likely to serve him in good stead as the Principal of a first-class Art College.

BANGAVASI,  
July 13th, 1895.

21. The *Bangavasi* of the 13th July says that Babu Jyotindranath Roy Chaudhuri, the educated and public-spirited zamindar of Taki, has written the following letter to Mr. Risley, Secretary to the Government of Bengal, in connection with the proposed Ayurvedic College.

"I am told by my friend Kaviraj Bijoy Ratna Sen that some of the leading kavirajes have petitioned the Government of Bengal for obtaining their support for a scheme of establishing an Ayurvedic Central Institution in Calcutta.

"It must be said to the eternal credit of the Ayurvedic system that notwithstanding the present defects in, and disadvantages of, the manner in which it is

taught, it still very successfully holds its own against other scientific systems of medicine of the present day.

"A Central Ayurvedic College with a library and a hospital attached to it, and a garden for the culture of medicinal plants and herbs and for practical botanical instructions are the chief crying wants of the kavirajes. I am glad to see that some leading members of them have submitted a rough scheme, which, if carried out, will remove the wants above referred to. If the Government be pleased to accept the scheme, I am ready to contribute Rs. 4,000 to the fund for carrying out the scheme."

Babu Jyotindranath has set a very good example to his brother zamindars. Munificent as his gift is, the spirit in which his letter is written is highly commendable. His sincere regard for the Ayurvedic system of medicine ought to commend itself to all true Hindus. If Babu Jyotindranath's countrymen were half as much proud of the Native system of medicine, it would not be difficult to raise lakhs of rupees for the purpose of founding an Ayurvedic College and Hospital in the country. At any rate, the prospects of the proposed Ayurvedic College seem to be hopeful. Thirty thousand rupees have already been subscribed. And it should not take long to raise a lakh of rupees, the estimated cost.

22. The *Dainik-o-Samachar Chandrika* of the 16th July is glad to learn that the Governor-General in Council has not sanctioned the proposal of Dr. Martin to reduce the number of Inspectors of Schools and place the six circles in the hands of three Inspectors. During his short tenure of office as Officiating Director of Public Instruction, Dr. Martin turned the Education Department almost topsy-turvy, and it caused Sir Alfred a deal of trouble to rid it of the strange and anomalous innovations which he introduced.

DAINIK-O-SAMACHAR  
CHANDRIKA,  
July 16th, 1895.

Mr. Martin's scheme of the three Inspectorships.

(e)—*Local Self-Government and Municipal Administration.*

23. The *Sanjivani* of the 13th July publishes a letter addressed to the Chairman of the Magura Local Board (in the Jessore district) by a member of the same. Babu Kedar Nath Ghosh, the writer of the letter, asks the Chairman to call a meeting with a view to inquire into the following complaints:—

SANJIVANI,  
July 13th, 1895.

The Magura Local Board.

- (1) Grants were sanctioned for the repair of some roads under the Salikha thana. Money has been drawn by the contractors, but no road has been repaired.
- (2) Some of the roads under the Sripur thana, of which repair was sanctioned, have only been partially repaired, but money has already been drawn.
- (3) The same is also the case with the roads in Magura of which repair was sanctioned. The road from Hazrapur to Malancha has not been repaired, and the money has been paid to the European residents of Hazrapur with the object that they may themselves get the road repaired. The Batajor road has not been repaired, but money has been drawn.
- (4) The Dhalhara-Satrujitpur road has not been repaired, and the money seems to have been spent in repairing the tank of the Pal Babus of Satrujitpur, and the portion of the road in front of it.
- (5) The Muhammadpur road has been half repaired, though the entire grant has been drawn.
- (6) The Singa-Magura road has been partially repaired, although full grant was sanctioned.

(g)—*Railways and communications including canals and irrigation.*

24. The *Banganivasi* of the 12th July complains that Mr. Stuart, Examiner of Accounts, Eastern Bengal State Railway, has proved himself very oppressive towards the native clerks of his office. He has ordered them to attend office at 8 A.M. and work till 6 P.M. On some of the clerks who have to come to office from the mufassal complaining that there was no train which would bring them to office at 8 o'clock, he advised them to come by the

BANGANIVASI,  
July 12th, 1895.

Mr. Stuart of the Eastern Bengal State Railway.

morning train which reaches Calcutta at 4 A.M. Mr. Stuart seems to be very fond of female assistants, and is always ready to dismiss native clerks on frivolous grounds, and appoint Eurasian female clerks in their stead. He is never in the habit of granting leave to his native subordinates, and when a clerk applied to him for leave on medical certificate, he was forthwith dismissed. It is to be hoped that the railway authorities will inquire into the conduct of this railway officer.

HITAVADI,  
July 12th, 1895.

25. The *Hitavadi* of the 12th July writes as follows:—

Cases of misconduct by railway employes how dealt with by the railway administration.

We do not want to say anything about the light punishment inflicted by the East Indian Railway authorities on the ticket-collector Heher in the Assensol case and in the case in which he compelled a native gentleman to travel in a carriage reserved for ladies. We are reassured by the fact that Government is causing all our articles on those two cases to be translated, and is making an investigation into the matter. For this trouble Lord Elgin deserves our thanks. No comments can be made on Rajbala's case, because it is *subjudice*. But we would bring to the notice of the Government of India and the Agent of the East Indian Railway the difficulties which beset a proper enquiry into railway cases. So long as these difficulties are not overcome, the people of this country will not travel by rail with a sense of security, and it will be impossible for native ladies to make railway journeys without being escorted by one or more stout and strong male companions.

The principal difficulty in the way of a proper investigation into railway cases is that railway officers never give a clear and complete reply to any question which is put to them, and try their best to screen offenders. The higher officials cannot, therefore, know what is done by the lower employes. For instance, in Heher's case the Agent was told by the lower officers that "the irregularities have been taken up with the staff concerned." Has this any meaning? And the Agent was not even informed of the offender's name. The words quoted above seem to mean that serious notice was taken of the offender's conduct, but, as a matter of fact, no punishment was inflicted on him. Is it not also strange that not one of those cases to which we have drawn the Agent's attention was brought to his notice by any railway employe? And, instead of bringing them to his notice, the lower officers did their best, when the cases did come to his notice, to screen the offenders by falsely representing to him that the offences referred to were committed long ago, and that the offenders had been sufficiently punished." We are prepared to prove every word of what we say. In the cases of Laldi Prasad, Muhammad Masim, Yogendra Nath Ghosh and other railway employes who attempted to outrage the modesty of female passengers, attempts were made to screen the offenders, and it was with the greatest difficulty that the charges against them were proved by us and their dismissal was brought about. In fact, the entire credit of the successful investigation which was made in these cases is due to the present Agent, who is a very upright and noble-minded man.

Under the orders issued by the Secretary of State in 1863, every railway employe is prohibited to behave rudely or unjustly to any native passenger. And in accordance with those orders the Agent issued a notice in 1872 directing the dismissal of every employe, no matter what his rank, who did not behave properly to any such passenger. But these were mere paper orders. Was Heher dismissed for taking off the label from a compartment intended for females and actually occupied by a female passenger, and for compelling a male passenger to enter into it?

In connection with another case, an attempt has been made to throw dust in our eyes. At 10 A.M. on the 22nd June 1894, Guard G. Blake was on duty at Kalka. He took a fancy to a cooly girl travelling in his train, and used force in order to outrage her. On the 17th September he was convicted on this charge before the Magistrate of Kasauli, and was fined forty rupees. We were given to understand at that time that the man had been dismissed from service. But we have since come to know that he was reinstated on the 6th October of the same year. Will the Agent kindly enquire into this matter?

SANJIVANI,  
July 13th, 1895.

26. A correspondent writes as follows in the *Sanjivani* of the 13th July:—

The Bengal Provincial Railway.

I am a shareholder of the Bengal Provincial Railway Company. The way in which this railway

was constructed and is now being worked is highly objectionable. But thinking that, in spite of its drawbacks, the line, if properly worked, would prove to be a profitable concern for the shareholders, and would do immense good to the country, I did not so long think it advisable to say all that I know about its mismanagement. But those who are entrusted with the management of the line seem to persist in their blundering policy, which is sure to prove ruinous to the Company. The promoters of the railway have incessantly urged upon the Directors the advisability of a change in their present policy, but the latter have persistently turned a deaf ear to their complaint. There is, therefore, no other course open to me than to ventilate the grievances of the shareholders in the public prints, and, if that fails to draw the attention of the Directors, I shall be obliged to seek the protection of Government.

The promoters of the railway are in no way to blame in the matter. They acted disinterestedly throughout, and appointed a strong Board of Directors. It is true that two of the promoters accepted office on fat salaries, but acceptance of office was not their sole object in connecting themselves with the undertaking. One of them, Babu Annada Prasad Roy, was appointed engineer to the Company on a salary which he used to draw as an engineer elsewhere, and the sole object of his accepting office was to efficiently carry on the construction of the line which, but for his exertions, would not perhaps have reached completion. The Company need not have engaged the services of Babu Amrita Lal Roy on a salary of Rs. 200 a month for his sole qualification of being a good writer of English, but the shareholders did not object to his appointment, as his services might not be unnecessary at a time when the Managing Director used to draw only a small allowance and devoted only a small portion of his time to the work of the company. But now that Babu Ramgati Mukerji has been appointed a whole-time Managing Director on a monthly salary of Rs. 250, together with a travelling allowance of Rs. 150 a month, the services of Babu Amrita Lal Roy should be at once dispensed with. The Directors are of course not expected to know every thing about the management if the Managing Director and his staff do not choose to acquaint them with it. But they should at least pay sufficient attention to the complaints of the shareholders who have invested their money in the project on account of their confidence in them.

You, Mr. Editor, say that the line is not likely to prove profitable. This is not quite true. If the line is properly worked it is bound to prove a profitable concern, and its failure will be due solely to the inefficiency of the present management. Babu Ramgati has already made the line yield a handsome revenue and, if economy is observed in the management, it will even now give a return to the shareholders. Without wasting more words on the subject I shall satisfy myself for the present with putting the following questions to the Directors:—

- (1) Do the Directors superintend the work done by Ramgati Babu, and are they in the habit of making inquiries before sanctioning any measure undertaken by him?
- (2) Do they properly check the bills of travelling expenses drawn by him before passing the same? Do the Directors or does Babu Ramgati himself pass these bills?
- (3) Did the Directors satisfy themselves about the antecedents and qualifications of the men appointed by the Managing Director as the Company's servants?
- (4) Why do not the Directors follow the example of other railway companies and publish a statement of the weekly receipts of the Bengal Provincial Railway?
- (5) What steps have been taken by the Directors to inquire into the complaints made in a letter addressed to them by their late Engineer, Babu Annada Prasad Roy? Has that letter been shelved? If so, that letter should be published.
- (6) Was there any mystery about Babu Annada Prasad Roy's resignation of his appointment?
- (7) What has been done to remove the Company's irregularity in running their trains, which has proved to be a source of loss to them?

(8) Why are the Company not running goods trains, and what steps are they taking to remove the inconveniences of the passengers travelling in open carriages?

(h)—General.

SANJIVANI,  
July 13th, 1895.

27. The *Sanjivani* of the 13th July says that a liquor shop which was long in existence in Sonapur in the Faridpur district, was lately removed from the village, but it has again been opened, to the great detriment of the morals of the village people, through the influence of Babu Jay Chandra Ghosh, *tahsildar* of the local zamindar.

### III.—LEGISLATIVE.

GENERAL AND  
GAUHARI ASFI,  
July 8th, 1895.

28. The *General and Gauhari Asfi* of the 8th July publishes a cartoon in which the Pilgrim Ships Act is exhibited as a lion in Turkish uniform with a musket strapped on its back frowning fiercely upon a timid and terrified sheep (which stands for pilgrimage to Mecca).

BHARAT MITRA,  
July 11th, 1895.

29. The *Bharat Mitra* of 11th July has the following:—

The question of rain-gambling in the Bengal Council.

The reason of the Lieutenant-Governor's unwillingness to interfere with rain-gambling as explained by Mr. Cotton in the Council is the most worthless imaginable. It would be impracticable, says His Honour, to prevent rain-gambling in private houses; but we see rain-gamblers every now and then brought to justice by the efforts of the police. We should also like to know what His Honour means by the expression "private houses." The houses in which rain-gamblers carry on their trade are, to all intents and purposes, public houses. His Honour's second reason for declining to interfere with the practice is that, even if the gambling in its present shape is put a stop to, it will take some other form equally bad. A fine reason this, indeed. This is like saying that a thief should not be punished, for, as soon as he is released, he will steal again. Sir Charles, it appears, has been influenced in his decision by the arguments of the Police Commissioner of Calcutta who, in his turn, has derived his light from his subordinate police officers, who, we may be sure, have had an eye to their own profits from rain-gambling in making their report on the subject.

HITAVADI,  
July 12th, 1895.

30. The *Hitavadi* of the 12th July cannot agree with those who are blaming either the electors or the candidates for the failure of the Dacca election. It would be foolish to expect a candidate to withdraw his name in order that his rival might be elected unopposed, or an elector who considers Ram the most eligible candidate to vote in favour of Syam in order to avert a failure of election.

The entire blame of the failure of the Dacca election rests with Government, which wanted the residents of four large districts to vote through four representatives only. If this system is not changed, such failures will frequently occur in future. Election by four, five or six men does not deserve to be called an election, and gives no satisfaction to those who are elected. The people should therefore unanimously submit a petition to Government protesting against the narrow system of election which now prevails. If the District Boards are to be the electors, at least every member of such a Board should have a vote in the election.

SAMAY,  
July 12th, 1895.

31. Referring to the Government's reply to the Hon'ble Babu Surendra-nath Banerji's interpellation on the case of Tarak Chandra Basu of Faridpur, the *Samay* of the 12th July makes the following observations:—

If the statement made by the petitioner (Tarak Chandra Basu) in his affidavit to the High Court is true, there is but one way in which we can interpret the conduct of the Magistrate, Mr. Herald. It must be his policy to keep up a show of justice, to let the people know that the peace and security under British rule is never disturbed or broken—not by making breaches of peace impossible, but by concealing the ugly facts and incidents which now and then

go to tarnish the fair fame of the British Government in India. He would have the world believe that under British rule it is very rare to see such cases occur, and if they even occur, they are severely dealt with at once. Let this impression be created in the public mind, and as long as this impression—false as it is—lasts, it does not matter if a few innocent persons smart under the injury and insult inflicted on them by others who are not brought to justice. And if in order to keep up an appearance of undisturbed peace and tranquillity, a few men who complain of injury and oppression have to be charged with making false complaints and punished therefor, no hesitation need be made to do the needful.

There is another motive which may have influenced the conduct of the Magistrate in the present case. It is said that there is a standing order to all Magistrates never to lose an opportunity of bringing into operation section 203 of the Criminal Procedure Code. It must be admitted that in issuing such an order—if it has been at all issued—the Government was guided by the most commendable desire to discourage litigation on frivolous grounds and dissuade people for incurring the ruinous expenditure which such litigation entails. But it must not be lost sight of that there are occasions on which even a man, most peacefully inclined, is obliged to seek the protection of law against turbulent and mischievous neighbours, who cannot be kept under control, except by the force of law. There are Deputy Magistrates who, in such cases, know how to maintain the dignity of the law without being unnecessarily severe upon the delinquent. In such cases they are in the habit of summoning the accused to the Court, giving him a severe reprimand, and, if need be, binding him down to keep the peace after an attempt at reconciliation has failed. But such Magistrates are few in number, and the usual practice is to reject all such complaints under section 203 of the Criminal Procedure Code, and leave the complainant to the tender mercies of troublesome neighbours.

In reply to the Hon'ble Babu Surendra Nath Banerji's interpellation, the Government acknowledged the truth of the particulars of the case of Tarak Chandra Bose, as stated by the Hon'ble Member, but said that the case was withdrawn by the Government Pleader under the Magistrate's instructions, because the Sessions Judge himself was of opinion that the accused could not be convicted on the evidence that was available.

We are sorry to say that the Government's reply does not satisfy us. In the Sessions Court, the Magistrate stands in the place of the complainant or accuser, and it is very unlikely that he should so far compromise his dignity as to tell the Judge pointblank that he himself does not believe his case. It is natural to think that the Judge was strongly of opinion that the police had made quite a mess of the matter, and that it was impossible to bring about the conviction of the accused on the highly unsatisfactory evidence submitted by the police. But in the opinion of the Hon'ble Judges of the High Court, it is the jury who are to determine the merits of any evidence which is adduced, and the Judge had no right to divine their opinion on the merits of the evidence in the case under notice. If justice is thus tampered with in an important case like the one under notice, are we not justified in thinking that the administration of justice is going to be made a farce and a show? Moreover, is the pre-conceived opinion of the Sessions Judge to count against the opinion of experienced Deputy Magistrates, formed after sifting inquiry and mature deliberation? The native Deputy Magistrates were in a far better position to properly interpret the demeanour of the accused and the witnesses than the Europeans Sessions Judge, and the latter ought not to have treated their opinion so lightly. But the Sessions Judge did not, after all, say that the complaint was altogether false: all that he said was that the evidence available in the case could not justify him in convicting the accused on the charge of dacoity. He did not say that the accused could not be convicted on the minor counts of the charge. At any rate, the Magistrate had no business to withdraw the case, and he ought to have let justice take its course. Had the accused been innocent, they would have been acquitted by the Sessions Judge, and if the complainant really brought a malicious charge against them, the Sessions Judge himself would have sanctioned his prosecution. Why then did the Magistrate needlessly interfere?

The conduct of the Deputy Magistrates in the case under notice has given universal satisfaction. It is said that the Deputy Magistrates are helpless tools in the hands of their superiors. In the present case, at least, two of their class have shown commendable independence and proved themselves honourable exceptions to the common run of Deputy Magistrates.

SANJIVANI,  
July 13th, 1895.

32. Referring to Mr. Cotton's reply to the Hon'ble Babu Surendra Nath Banerji's interpellation on the subject of rain-gambling in Calcutta, the *Sanjivani* of the 13th July observes that the real purport of the official reply is this: To put down rain-gambling Government must, for the sake of consistency, put down all gambling in which Europeans mostly indulge, but that would be a hard nut to crack, and the easiest course for the Government is to leave the matter where it stands.

DARSAK,  
July 14th, 1895.

33. The *Darsak* of the 14th July is glad to learn that the Maharaja of Darbhanga has been appointed to the Bengal Legislative Council as the representative of the Bihar zamindars. There is no zamindar better educated and more independent and public-spirited than the Maharaja of Darbhanga. Some say that the Maharaja of Darbhanga has been elected to a seat in the Bengal Legislative Council simply with the object of putting him forward as a rival of the Hon'ble Babu Surendra Nath Banerji, and thus foiling him in his attempt to get himself returned to the Supreme Legislative Council. This is certainly attributing too ignoble a motive to the Government.

BHARAT MITRA,  
July 16th, 1895.

34. The *Bharat Mitra* of the 16th July takes it as an ill omen that since the declaration in the Bengal Council of Sir Charles Elliott's decision against the abolition of rain-gambling, there has been no rainfall throughout the Province—a fact which clearly indicates that His Honour's sympathy with the obnoxious practice is highly displeasing to the Almighty.

SULABH DAINIK,  
July 16th, 1895.

35. The *Sulabh Dainik* of the 16th July writes as follows:—

The Lieutenant-Governor is nothing if not plain-spoken. He does not mince matters. He hates using language which will conceal his thoughts. Whatever he thinks he speaks out. He has given a very plain answer to a plain question by the Hon'ble Babu Surendranath Banerji on rain-gambling. The Government, said His Honour, could not consistently prohibit rain-gambling in which the natives took a prominent part, when it could not prohibit other forms of gambling which were very much in vogue among Europeans. Moreover, the Government could prohibit rain-gambling publicly done, but it could not prohibit rain-gambling privately done, and rain-gambling in private would be far more objectionable than rain-gambling in public.

We appreciate the outspokenness of the Lieutenant-Governor, but we do not feel the force of his arguments. He says that he cannot prohibit rain-gambling as he cannot prohibit gambling on the race-course. But did he ever try to prohibit the latter? Did he ever move the Supreme Government to take steps to prohibit it? Did he even express himself strongly on the subject? But even if he cannot prohibit gambling on the race-course, why should he not prohibit rain-gambling? Because he has to tolerate one form of vice, should he tolerate all other forms of it? Does one vice palliate another? It is quite clear that the Lieutenant-Governor pretends to take up an impartial attitude in the matter; he must indeed be impartial to Natives and Europeans alike in the matter of gambling, as he cannot assume an impartial attitude in every thing else. He cannot maintain an impartial attitude when white murderers of natives are let off scot-free, when native complainants are prosecuted for maliciously prosecuting Europeans. An impartial attitude indeed!

Gambling is prohibited by law and scripture alike. But gambling is being carried on in broad day-light. The law is being defied, and yet the Government does not perceive that its listlessness and inactivity are lowering its prestige in the eye of the people. And now the Government not only tolerates, but in a manner encourages one of its worst forms. The Lieutenant-Governor's reply may be very plain, but it is not certainly judicious. It will give an impetus to rain-gambling, and rain-gamblers will henceforth have a high time of it in public as well as in private. So long the public were under the impression that

the Government was against rain-gambling and that it would come forward sooner or later to prohibit it and punish those who took part in it. But now the Government publicly sanctions gambling in this form, which is ruining hundreds of men. It puts its seal, as it were, upon it. Rain-gamblers will now grow bolder, and their ranks will be joined by new recruits. The Lieutenant-Governor ought at least to have adopted a more judicious way of expressing his unwillingness to put down rain-gambling. He might have said that the question was still under the consideration of Government. In that case rain-gamblers would have been kept under proper control. As it is, however, His Honour's language is too plain to be misunderstood. It will embolden rain-gamblers, and, what is more to be regretted, it has committed his successors to a policy of non-interference in this important matter.

The interpellation right.

36. The same paper of the 17th July has the following:—

The rulers of India are growing mad after prestige, and spare no pains to keep it inviolate. Thousands of wrong and unjust acts are committed and lies are told for its sake. The passing of the Consent Act and the Police Act, the sending out of the Chitral expedition, the acquittal of European soldiers who murder natives, are all instances of Government's anxious care to uphold its prestige. And now we hear of a fresh case from Simla.

Since the introduction of the privilege of interpellation in the Legislative Councils, Babu Surendranath Banerji in Bengal and Babu Charu Chandra Mitra in the North-Western Provinces have put a very large number of questions in their respective Councils, and done their best to elicit facts and information from Government, though not always with success. "What! Natives asking for explanations of our actions!"—what else can so sorely wound the vanity of the white rulers of India? To an unprejudiced observer, however, the interpellations in the Councils do not appear in any way to lower the prestige of Government. They rather serve to draw out information, in the light of which the public can fairly judge Government's intentions. During the short time that the privilege has been enjoyed, it has produced no tangible result, but much may be expected from it in the future. It is well known that questions bringing to Government's notice cases of official high-handedness never lead to the punishment of the offending officials, but it is certain that exposure will go a great way to put a check upon such high-handedness.

A free discussion of public measures and of the acts of the public servants is essential for good government. And, in order that a public measure may be fully discussed, there must be a party to support it and a party to point out its faults. So in England there is always a party in opposition. In India the elected members have for the last two years been serving to a very small extent the purpose of such a party. But that does not mean that the elected members find fault with Government because they have any grudge against it. The Government in England never feels its prestige lowered by the questions which are put to it by the opposition. It is only the beggars' sons who, on coming out to India, look upon themselves as grandsons of Nawab Seraj-ud-dowla, that consider their prestige lowered by the interpellations which are put to them.

A proposal has been made in Simla to restrict the privilege of interpellation, and to disallow its public exercise. Considering that, with the exception of very few, none but the most important questions have been asked since the privilege was granted, one fails to see why such a proposal should be made. The proposal to disallow public interpellations is equally inexplicable, considering that none but a public discussion of Government's acts can do any good to the administration. If Government feels impatient of criticism, it should rule over dumb animals and not over human beings.

#### VI.—MISCELLANEOUS.

37. The *Bharat Mitra* of the 12th July says that the abolition of the Muharram procession in the dominion of the Amir of Cabul shows that the procession does not form an integral part of the Muhammadan religion. It is only with a view to annoy the Hindus that the Musalmans of India indulge in the Muharram procession.

The Muharram procession.

SULABH DAINIK,  
July 17th, 1895.

BHARAT MITRA,  
July 12th, 1895.

HITAVADI,  
July 12th, 1895.

38. The *Hitavadi* of the 12th July says that it is only certain mean-minded people that are saying that Babu Rasik Lal Roy has set on foot the Hindu marriage expense agitation simply for the purpose of making a name for himself and for other selfish ends. Another class of men are trying to estrange the people's sympathy from the movement by making the false statement that Government will effect the reform by a legislative measure. No censure of these enemies of the marriage expense movement can be too severe. It is not the same thing to ask the sympathy of Government for a project of reform, and to have that reform effected by legislation. What objection can be taken to Government's honouring those who will set an example to their countrymen by not taking large dowries for their sons?

EDUCATION GAZETTE,  
July 12th, 1895.

39. With reference to the sympathy which has been evoked in the Anglo-Indian press in Mrs. Lester's favour, the *Education Gazette*, of the 12th July, writes as follows:—

Sympathy with killers of husbands and wives. The Indians cannot easily understand why so much sympathy is felt in English society for women who murder their husbands. It shows that different nations feel very differently in certain matters. In England adultery is not a criminal offence, but so strong is the feeling of the Indians against this offence that even English legislators in this country have been obliged to include it among criminal offences, exempting only women from punishment. In Jeypore, which is ruled by a Hindu sovereign, both the adulterer and the adulteress are liable to punishment, whilst in Persia every woman enjoys the privilege of shooting the man who violates the sanctity of her *zanana* by peering into it from a housetop or from the window of a neighbouring house.

The people of this country are surprised to see English society sympathising with a woman who has killed her husband. But is it not equally surprising to others that they should regard with indifference the man who kills his wife? Homicide is abominable under all conditions and circumstances. The wife who commits adultery may be punished or forsaken by the husband, but it is positively injurious to society to defend the husband who kills an adulterous wife by saying that he killed her under extreme provocation.

BANGANIVASI,  
July 12th, 1895.

40. The *Banganivasi* of the 12th July writes as follows:—

The Hindu marriage expense question. Babu Rasik Lal Roy wants us to understand that it is not his intention to call for legislative interference in curtailing Hindu marriage expenses.

The reform, says he, must come from within, but the leaders of society should act in concert with influential Government officers in order to make the introduction of the reform sure and speedy. If this is really the intention of Babu Rasik Lal, why is he busy conferring with Mr. Cotton and other Government officers on the summits of the Darjeeling hills at a time when he ought to have been consulting the opinions of the leaders of society? What does Mr. Cotton know of the leaders of Hindu society, and what do those leaders care for the opinions of Mr. Cotton? Mr. Cotton, to be sure, is not the proper person to choose or single out the leaders of Hindu society or to dictate to them the lines of action they should follow in bringing about the desired reform.

We have another cause for apprehension. The Lieutenant-Governor has been induced by Babu Rasik Lal Roy to issue a circular to Commissioners of divisions instructing them to call meetings of the leaders of society and ascertain their opinions on the subject. But why should this be? Why should a European Government officer take the initiative in a movement which has for its object the curtailment of the marriage expenses of the Hindus? Had Babu Rasik Lal been a man of even ordinary foresight, he would not have failed to perceive that in the matter of social reform, the interference of the Government direct or indirect is sure to frustrate all attempts at reform instead of helping in any way in bringing it about, even when most urgently demanded by the people themselves.

It, moreover, appears to be strange that Babu Rasik Lal Roy is going to prescribe a medicine for the cure of a social disease without taking care to diagnose the disease. He must be a social quack to think that the disease is not a complicated one, and that nothing is easier than curing it, the application of a heroic remedy being all that is necessary for the purpose. It is,

however, extremely foolish to expect that we shall be able to cure the disease before we have diagnosed it and determined the causes which have brought it about. Babu Rasik Lal Roy is not evidently a man who is acquainted with the ins and outs of Hindu society. He does not appear to be a *kulin*, and cannot, therefore, know what are the circumstances which have served most to bring about a social evil which is most prevalent among *kulins*. But before these causes are determined, it is impossible to introduce any salutary reform, backed though we be by the active sympathy and help of the Government.

41. The *Sanjivani* of the 13th July says that when even the Rajputs have not been able to curtail their marriage expenses without the help of the officials, it is not to be expected that the Bengalis will be able to do so without their help.

The Hindu marriage expense question.

No reform in this direction can be carried out if the Magistrates and Deputy Magistrates do not influence the leading men in every district and induce them to introduce it. It is universally admitted that the marriage expenses should be curtailed, and the best thing to do in the matter is that the Magistrates should get all the leading men in the country to sign a contract to the effect that they shall not spend more than a limited sum on account of their sons' or daughters' marriage, and that in marrying their sons they shall not demand any dowry from the fathers of girls. Failing to fulfil the contract, they shall be bound to pay a fine double the amount of dowry taken by them.

#### URIYA PAPERS.

42. All the Native Papers of Orissa are glad to notice that a sufficient quantity of rain-water has done immense good both to the paddy crop and to cattle. They, however, apprehend that the collection of rain-water in large quantities in certain places may destroy the young paddy plants, which have been entirely immersed in it.

Rainfall in Orissa.

43. The *Uriya and Navasamvad* of the 5th June and the *Utkaldipika* of the 15th June are sorry to find that attestation proceedings in connection with the Orissa Settlement are still going on in Balasore much to the inconvenience and annoyance of the agricultural classes, who cannot attend the Settlement Offices without neglecting their fields. They therefore advise that attestation work should be deferred till the cold weather.

The Orissa settlement.

44. The *Utkaldipika* of the 8th June is sorry to point out that the results of the B. A. examination, as shown by the Cuttack Ravenshaw College, are not at all satisfactory; that the College appears to have been deteriorating steadily for the last three or four years, and that the authorities concerned should institute an enquiry into the subject.

The Ravenshaw College.

45. Adverting to the proposed visit of His Honour the Lieutenant-Governor of Bengal to Orissa, the *Utkaldipika* of the 15th June observes among other things that His Honour has encouraged the educated natives of Orissa by admitting some of them into the Provincial and Subordinate Civil Services, and that Orissa must, therefore, be grateful to His Honour.

Sir Charles Elliott's encouragement of educated Uriyas.

46. The same paper notices with pleasure that the Rani of Puri has done immense good both to the residents of Puri and to the pilgrims that visit it by dewatering the *Swetganga*, a sacred tank whose water had been poisoned by constant use during the last seven hundred years, and by removing 25,000 cubic feet of mud from its bed.

Dewatering of a Puri tank.

47. The same paper once more brings the question of the manufacture of salt in Orissa to the notice of Government, and urges that on examination it will be found that the Madras Salt Rules do not work well in Orissa. The writer prays that the salt Department may therefore be transferred to Bengal, and *Panga* salt manufactured in Orissa, as was being done in past years.

Salt manufacture in Orissa.

SANJIVANI,  
July 13th, 1895.

URIYA AND  
NAVASAMVAD,  
June 5th, 1895.

UTKALDIPIKA,  
June 8th, 1895.

UTKALDIPIKA,  
June 15th, 1895.

UTKALDIPIKA.

UTKALDIPIKA.

CHUNDER NATH BOSE,

*Bengali Translator.*

BENGALI TRANSLATOR'S OFFICE,  
The 20th July 1895.

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